

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: GENERIC PHARMACEUTICALS	:	MDL 2724
PRICING ANTITRUST LITIGATION	:	16-MD-2724
	:	
	:	HON. CYNTHIA M. RUFE
THIS DOCUMENT RELATES TO:	:	
	:	
ALL ACTIONS	:	

PRETRIAL ORDER NO. 31
(SERVICE OF PROCESS)

AND NOW, this 7th day of August 2017, upon consideration of the attached stipulation of counsel, it is hereby **ORDERED** that the stipulation is **APPROVED** and that:

1. As to cases filed by all Plaintiffs (listed on Appendix A), the Stipulating Defendants (listed on Appendix B) have agreed that service of process has been effected or is waived in Individual Actions in the Lead Cases under which Defendants are listed on Appendix B. All other defenses, including as to personal jurisdiction, are preserved.
2. Pretrial Order No. 19 (Deadlines for Responsive Pleadings) remains in effect.
3. All parties shall meet and confer and submit to the Court no later than **August 29, 2017**, a proposed order regarding acceptance of service of the Consolidated Amended Complaints due to be filed in each Lead Case on August 15, 2017, or a proposed schedule to resolve any disputes regarding acceptance of service.

It is so **ORDERED**.

BY THE COURT:


CYNTHIA M. RUFE, J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL No. 2724
16-MD-2724**

THIS DOCUMENT RELATES TO:

THE HONORABLE CYNTHIA M. RUFÉ

ALL ACTIONS

**JOINT STIPULATION AND ~~PROPOSED ORDER~~
RE: ACCEPTANCE OF SERVICE**

This Stipulation is entered into between all Plaintiffs listed in Plaintiffs' Notices of Individual Actions filed pursuant to Pretrial Order No. 24, ECF 353 (collectively, "Plaintiffs") and certain Defendants listed in Defendants' Notices of Defendants Listed in Any Individual Case filed pursuant to Pretrial Order No. 24, ECF 353 (collectively, "Defendants," and together with Plaintiffs, the "Parties"). The individual Plaintiffs are listed on Appendix A and the individual Defendants that join in this Stipulation are listed on Appendix B.

WHEREAS, Defendants listed on Appendix B, through their undersigned counsel, have agreed to waive service of summons of the Complaints filed in Individual Actions in the Lead Cases under which Defendants are listed on Appendix B to the extent that those Defendants have not already been served; and

WHEREAS, to reduce docketing congestion, the Parties agree that individual Waivers of Service need not be obtained from Defendants listed on Appendix B for Individual Actions in the Lead Case under which they are listed and no individual Plaintiff, whether listed in Appendix A or not, need file individual Waivers of Service for those Defendants in each Individual Case (for any Individual Case filed prior to the date of this Joint Stipulation); and

WHEREAS, the Parties agree to meet and confer and submit no later than August 29, 2017, a proposed order to the Court regarding acceptance of service of the Consolidated Amended Complaints due to be filed in each Lead Case on August 15, 2017 or a proposed schedule to resolve any disputes regarding acceptance of service;

NOW, THEREFORE, pursuant to Local Rule 7.4, the undersigned Parties hereby stipulate, and the Court orders, as follows:

1. Undersigned Defendants agree either that they have been properly served with process of Complaints filed in Individual Actions in the Lead Cases under which Defendants are listed on Appendix B or that they waive service of process of those Complaints under Rule 4(d) of the Federal Rules of Civil Procedure. Defendants otherwise expressly reserve the right to challenge the individual complaints and any consolidated or amended class action complaint, on any and all grounds, including personal jurisdiction.
2. Defendants' time to move to dismiss, answer, or otherwise respond to the Complaints was previously extended by Pretrial Order No. 19 (Deadlines for Responsive Pleadings).
3. The Parties shall meet and confer and submit no later than August 29, 2017, a proposed order to the Court regarding acceptance of service of the Consolidated Amended Complaints due to be filed in each Lead Case on August 15, 2017 or a proposed schedule to resolve any disputes regarding acceptance of service.

WHEREFORE, the Parties respectfully request that the Court enter this Stipulation as its Order as set forth herein.

IT IS SO STIPULATED AND ORDERED.

Dated: August 4, 2017

/s/ Roberta D. Liebenberg

Roberta D. Liebenberg
FINE, KAPLAN AND BLACK, R.P.C.
One South Broad Street, 23rd Floor
Philadelphia, PA 19107
215-567-6565
rliebenberg@finekaplan.com

/s/ Dianne M. Nast

Dianne M. Nast
NASTLAW LLC
1100 Market Street, Suite 2801
Philadelphia, PA 19107
215-923-9300
dnast@nastlaw.com

Lead Counsel for the End-Payer Plaintiffs

/s/ Jonathan W. Cuneo

Jonathan W. Cuneo
CUNEO, GILBERT & LADUCA LLP
4725 Wisconsin Ave. NW, Suite 200
Washington, DC 20016
202-789-3960
jonc@cuneolaw.com

Lead Counsel for the Indirect Reseller Plaintiffs

Lead Counsel for the Direct Purchaser Plaintiffs

/s/ Jan P. Levine

Jan P. Levine
PEPPER HAMILTON LLP
3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799
Telephone: (215) 981-4000
Fax: (215) 981-4750
levinej@pepperlaw.com

/s/ Sheron Korpus

Sheron Korpus
KASOWITZ BENSON TORRES LLP
1633 Broadway
New York, New York 10019
Tel: (212) 506-1700
Fax: (212) 506-1800
skorpus@kasowitz.com

/s/ Saul P. Morgenstern

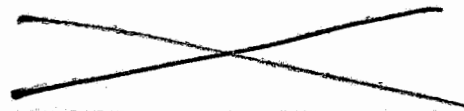
Saul P. Morgenstern
ARNOLD & PORTER KAYE SCHOLER LLP
250 W. 55th Street
New York, NY 10019
Tel: (212) 836-8000
Fax: (212) 836-8689
saul.morgenstern@apks.com

Laura S. Shores
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Avenue
Washington, DC 20001
Tel: (202) 942-5000
Fax: (202) 942-5999
laura.shores@apks.com

/s/ Chul Pak
Chul Pak
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
1301 Avenue of the Americas, 40th Fl.
New York, NY 10019
Tel: (212) 999-5800
Fax: (212) 999-5899
cpak@wsgr.com

Defendants' Liaison Counsel

APPROVED BY THE COURT:



The Honorable Cynthia M. Rufe

APPENDIX A

In re: Albuterol Cases:

FWK Holdings, LLC
Self-Insured Schools of California
UFCW Local 1500 Welfare Fund
Philadelphia Federation of Teachers Health and Welfare Fund

In re: Amitriptyline Cases:

KPH Healthcare Service, Inc. a/k/a Kinney Drugs, Inc.
Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund

In re: Baclofen Cases:

Rochester Drug Co-Operative, Inc.
FWK Holdings, L.L.C.
KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc.
International Union of Operating Engineers Local 30 Benefits Fund
Plumbers & Pipefitters Local 178 Health & Welfare Trust Fund

In re: Benazepril HCTZ Cases:

Rochester Drug Co-Operative, Inc.
FWK Holdings L.L.C.
KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc.
UFCW Local 1500 Welfare Fund

In re: Clobetasol Cases:

KPH Healthcare Services, Inc., a/k/a Kinney Drugs, Inc.
Louisiana Health Service Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana
Sergeants Benevolent Association Health & Welfare Fund
United Food and Commercial Workers Unions and Employers Midwest Health Benefits Fund
A.F. of L. – A.G.C. Building Trades Welfare Plan
UFCW Local 1500 Welfare Fund
Plumbers & Pipefitters Local 178 Health & Welfare Trust Fund
International Union of Operating Engineers Local 30 Benefits Fund
St. Paul Electrical Workers' Health Plan

In re: Clomipramine Cases:

KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc.
Louisiana Health Service Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana
Twin Cities Pipe Trades Welfare Fund
Philadelphia Federation of Teachers Health and Welfare Fund
American Federation of State, County and Municipal Employees District Council 37 Health & Security Plan
Teamsters Local Union No. 727 Health & Welfare Fund
NECA-IBEW Welfare Trust Fund

In re: Desonide Cases:

KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc.
Louisiana Health Service Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana
American Federation of State, County and Municipal Employees, District Council 47, Health and Welfare Fund
Sergeants Benevolent Association Health & Welfare Fund
UFCW Local 1500 Welfare Fund
Plumbers & Pipefitters Local 178 Health & Welfare Trust Fund
International Union of Operating Engineers Local 30 Benefits Fund
St. Paul Electrical Workers' Health Plan

In re: Digoxin Cases:

Louisiana Health Service Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana
International Union of Operating Engineers Local 30 Benefits Fund
NECA-IBEW Welfare Trust Fund
Tulsa Firefighters Health and Welfare Trust
Twin Cities Pipe Trades Welfare Fund
Edward Carpinelli
Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund
Nina Diamond
UFCW Local 1500 Welfare Fund
Minnesota Laborers Health and Welfare Fund
Philadelphia Federation of Teachers Health and Welfare Fund
United Food & Commercial Workers and Employers Arizona Health and Welfare Trust
Ottis McCrary
Plumbers & Pipefitters Local 33 Health and Welfare Fund
Plumbers & Pipefitters Local 178 Health & Welfare Trust Fund
The City of Providence, Rhode Island
Unite Here Health
Valerie Velardi

*In re: Divalproex ER Cases:*¹

KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc.
Cesar Castillo, Inc.
Louisiana Health Service Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana
UFCW Local 1500 Welfare Fund
Philadelphia Federation of Teachers Health and Welfare Fund
Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund
Twin Cities Pipe Trades Welfare Fund

In re: Doxycycline Cases:

Louisiana Health Service Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana
International Union of Operating Engineers Local 30 Benefits Fund
NECA-IBEW Welfare Trust Fund
Tulsa Firefighters Health and Welfare Trust
Twin Cities Pipe Trades Welfare Fund
Edward Carpinelli
Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund
Nina Diamond
UFCW Local 1500 Welfare Fund
Minnesota Laborers Health and Welfare Fund
Philadelphia Federation of Teachers Health and Welfare Fund
United Food & Commercial Workers and Employers Arizona Health and Welfare Trust
Ottis McCrary
Plumbers & Pipefitters Local 33 Health and Welfare Fund
Plumbers & Pipefitters Local 178 Health & Welfare Trust Fund
The City of Providence, Rhode Island
Unite Here Health
Valerie Velardi
MSPA Claims I, LLC
MAO-MSO Recovery LLC
MAO-MSO Recovery II, LLC

¹ In the Divalproex ER Cases, the Court stayed all responsive dates in the then-pending cases, including actions filed by plaintiffs Cesar Castillo, Inc. (16-6685) and Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund (16-6668). *See, e.g.*, Order, Civil Action No. 16-6668, ECF 3. For plaintiffs Cesar Castillo, Inc. and Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund, the parties agree that the 90 day period to perform service has passed, but the parties stipulate that an extension under Rule 4(m) is appropriate due to the stay.

In re: Econazole Cases:

KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc.
Louisiana Health Service Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana
UFCW Local 1500 Welfare Fund
International Union of Operating Engineers Locals 302 and 612 Construction Industry Health and Security Fund
Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund
Detectives Endowment Association of the City of New York
Philadelphia Federation of Teachers Health and Welfare Fund
NECA-IBEW Welfare Trust Fund

In re: Fluocinonide Cases:

KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc.
Louisiana Health Service Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana
Sergeants Benevolent Association Health & Welfare Fund
Plumbers & Pipefitters Local 178 Health & Welfare Trust Fund
Philadelphia Federal of Teachers Health and Welfare Fund

In re: Glyburide Cases:

Rochester Drug Co-Operative, Inc.
FWK Holdings, L.L.C.
Louisiana Health Service Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana
Falconer Pharmacy, Inc.
International Union of Operating Engineers Locals 302 and 612 Construction Industry Health and Security Fund
Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund
MSPA Claims, I, LLC
MAO-MSO Recovery LLC
MAO-MSO Recovery II, LLC

In re: Levothyroxine Cases:

KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc.
International Union of Operating Engineers Locals 302 and 612 Construction Industry Health and Security Fund
Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund
Philadelphia Federation of Teachers Health and Welfare Fund
1199 SEIU National Benefit Fund
Plumbers & Pipefitters Local 178 Health & Welfare Trust Fund

American Federation of State, County and Municipal Employees District Council 37
Health & Security Plan
New York City, Local 246, S.E.I.U. Welfare Benefits Fund

In re: Lidocaine / Prilocaine Cases:

Rochester Drug Co-Operative, Inc.
FWK Holdings, L.L.C.
KPH Healthcare, Inc. a/k/a Kinney Drugs, Inc.
Louisiana Health Service Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana
International Union of Operating Engineers Local 30 Benefits Fund
UFCW Local 1500 Welfare Fund

*In re: Pravastatin Cases:*²

KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc.
Cesar Castillo, Inc.
Louisiana Health Service Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana
A.F. of L. – A.G.C. Building Trades Welfare Plan
UFCW Local 1500 Welfare Fund
Philadelphia Federation of Teachers Health and Welfare Fund
Laborers International Union of North America Local 35 Health Care Fund
Plumbers & Pipefitters Local 178 Health and Welfare Trust
Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund
Detectives Endowment Association of The City of New York
Robby Johnson

In re: Propranolol Cases:

KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc.
Louisiana Health Service Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana
Plumbers & Pipefitters Local 178 Health & Welfare Trust Fund
Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund

² In the Pravastatin Cases, the Court entered an Order staying all actions on February 16, 2017, including the actions filed by plaintiffs Cesar Castillo, Inc. (16-6699), Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund (16-6667), Philadelphia Federation of Teachers Health and Welfare Fund (16-6321), and Plumbers and Pipefitters Local 178 Health and Welfare Trust (16-6421). *See, e.g.*, Order, Civil Action No. 16-cv-5056-TON, ECF 44. For plaintiffs Cesar Castillo, Inc., Philadelphia Federation of Teachers Health and Welfare Fund, Plumbers and Pipefitters Local 178 Health and Welfare Trust, and Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund, the parties agree that the 90 day period to perform service has passed, but the parties stipulate that an extension under Rule 4(m) is appropriate due to the stay.

Philadelphia Federation of Teachers Health & Welfare Fund
UFCW Local 1500 Welfare Fund
Sergeants Benevolent Association Health & Welfare Fund
American Federation of State, County and Municipal Employees District Council 37
Health & Security Plan

In re: Ursodiol Cases:

KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc.
Louisiana Health Service Indemnity Company d/b/a Blue Cross and Blue Shield of
Louisiana
Fraternal Order of Police, Miami Lodge 20, Insurance Trust Fund
NECA-IBEW Welfare Trust Fund

APPENDIX B

In re: Albuterol Cases:

Mylan Pharmaceuticals, Inc.
Mylan, Inc.
Sun Pharmaceutical Industries, Inc.

In re: Amitriptyline Cases:

Mylan Pharmaceuticals, Inc.
Mylan Inc.
Par Pharmaceuticals, Inc.
Sandoz Inc.

In re: Baclofen Cases:

Lannett Company, Inc.
Par Pharmaceuticals Inc.
Teva Pharmaceuticals USA, Inc.
Upsher-Smith Laboratories, LLC

In re: Benazepril Cases:

Mylan Pharmaceuticals, Inc.
Mylan Inc.
Sandoz Inc.

In re: Clobetasol Cases:

Akorn, Inc.
Fougera Pharmaceuticals Inc.
Hi-Tech Pharmacal Co., Inc.
Morton Grove Pharmaceuticals Inc.
Perrigo New York, Inc.
Sandoz Inc.
Taro Pharmaceuticals U.S.A., Inc.
Wockhardt USA LLC

In re: Clomipramine Cases:

Mylan Pharmaceuticals, Inc.
Mylan Inc.
Sandoz Inc.
Taro Pharmaceuticals U.S.A., Inc.

In re: Desonide Cases:

Actavis Holdco U.S., Inc.
Fougera Pharmaceuticals Inc.
Perrigo New York, Inc.
Sandoz Inc.
Taro Pharmaceuticals U.S.A., Inc.

In re: Digoxin Cases:

Impax Laboratories, Inc.
Lannett Company, Inc.
Mylan Inc.
Mylan Pharmaceuticals, Inc.
Mayne Pharma Inc.³
Par Pharmaceuticals, Inc.
Sun Pharmaceutical Industries, Inc.
West-Ward Pharmaceuticals Corp.

In re: Divalproex Cases:

Aurobindo Pharma USA, Inc.
Dr. Reddy's Laboratories, Inc.
Morton Grove Pharmaceuticals Inc.
Mylan Pharmaceuticals, Inc.
Mylan Inc.
Par Pharmaceutical, Inc.
Zydus Pharmaceuticals (USA), Inc.

In re: Doxycycline Cases:

Actavis Holdco U.S., Inc.
Heritage Pharmaceuticals Inc.
Lannett Company, Inc.
Mylan Inc.
Mylan Pharmaceuticals, Inc.
Mayne Pharma Inc.¹
Par Pharmaceuticals, Inc.
Sun Pharmaceutical Industries, Inc.
West-Ward Pharmaceuticals Corp.

³ Counsel for Mayne Pharma Inc. has represented that Mayne Pharma USA, Inc. does not exist and should not have been named as a defendant in these actions. It is thus accepting service on behalf of the correct entity.

In re: Econazole Cases:

Fougera Pharmaceuticals Inc.
Perrigo New York, Inc.
Sandoz Inc.
Taro Pharmaceuticals U.S.A., Inc.
Teligent, Inc.

In re: Fluocinonide Cases:

Actavis Holdco U.S., Inc.
Fougera Pharmaceuticals Inc.
Sandoz Inc.
Taro Pharmaceuticals U.S.A., Inc.
Teva Pharmaceuticals USA, Inc.

In re: Glyburide Cases:

Aurobindo Pharma, USA, Inc.
Citron Pharma, LLC
Heritage Pharmaceuticals Inc.
Mayne Pharma Inc.⁴
Teva Pharmaceuticals USA, Inc.

In re: Levothyroxine Cases:

Lannett Company, Inc.
Mylan Pharmaceuticals, Inc.
Sandoz Inc.

In re: Lidocaine/Prilocaine Cases:

Actavis Holdco U.S., Inc.
Akorn, Inc.
Fougera Pharmaceuticals Inc.
Hi-Tech Pharmacal Co., Inc.
Impax Laboratories, Inc.
Sandoz Inc.

In re: Pravastatin Cases:

Actavis Holdco U.S., Inc.

⁴ Counsel for Mayne Pharma Inc. has represented that Mayne Pharma USA, Inc. does not exist and should not have been named as a defendant in these actions. It is thus accepting service on behalf of the correct entity.

Apotex Corp.
Glenmark Pharmaceuticals USA, Inc.
Lupin Pharmaceuticals, Inc.
Mylan Pharmaceuticals, Inc.
Mylan Inc.
Sandoz Inc.
Teva Pharmaceuticals USA, Inc.
Zydus Pharmaceuticals (USA) Inc.

In re: Propranolol Cases:

Actavis Elizabeth, LLC
Actavis Holdco U.S., Inc.
Breckenridge Pharmaceutical, Inc.
Heritage Pharmaceuticals Inc.
Mylan Pharmaceuticals, Inc.
Mylan Inc.
Par Pharmaceutical Inc.
Pliva, Inc.
Teva Pharmaceuticals USA, Inc.
UDL Laboratories, Inc.
Upsher-Smith Laboratories, LLC

In re: Ursodiol Cases:

Actavis Holdco U.S., Inc.
Epic Pharma, LLC
Lannett Company, Inc.